

**Exhibit 50**

# **Exhibit 50**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

EMILY FORSYTHE

Plaintiff,

v.

WAYFAIR, LLC

Defendant.

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C.A. NO. 1:20-cv-10002

PLAINTIFF'S RESPONSE TO DEFENDANT'S  
REQUEST FOR ADMISSION

Plaintiff Emily Forsythe submits her objections and response to Defendant's First Request for Admission as follows:

**REQUEST FOR ADMISSION NO. 1:**

The transcript prepared by Veritext Legal Solutions, appended as Attachment A, is a true and accurate transcription of the recording of the September 19, 2019 phone call between Plaintiff and Trevor Shaffer-Figueroa that Plaintiff produced as PLAINTIFF 000084.

**RESPONSE:**

Admit.

Respectfully submitted,

/s/ Jonathan J. Margolis

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by email upon Defendant's counsel of record on October 17, 2020 as follows:

By Email: lkappelman@seyfarth.com

Lynn A. Kappelman  
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/s/ Robert E. Goodman, Jr.  
Robert E. Goodman, Jr.

# Attachment A

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TAB 14 - PLAINTIFF 000084 -  
Audio\_09\_19\_2019\_15\_54\_45  
Civil Action No. 1:20-cv-10002  
September 19, 2019

<p style="text-align: right;">Page 2</p> <p>1 TREVOR SHAFFER-FIGUEROA: This is 2 Trevor. 3 EMILY FORSYTHE: Hey, Trevor. It's 4 Emily. 5 TREVOR SHAFFER-FIGUEROA: Hey, Emily, 6 how... 7 EMILY FORSYTHE: I'm okay. How are 8 you? 9 TREVOR SHAFFER-FIGUEROA: I am going 10 well. Thank you. So I was able to have the 11 conversations that I needed to have. I just 12 wanted to circle back and address your concerns 13 that there was some form of retaliation occurring 14 and that Cory had indicated to you that he didn't 15 want you on his team. 16 So in order to establish some form of 17 retaliation, I would have to establish some kind 18 of link between Cory and his conduct and the 19 report that you had made, and based on my 20 conversations and the available evidence, I'm not 21 able to establish any kind of link or connection 22 between the two, so I can't substantiate that any 23 kind of retaliation was taking place. 24 I do feel and have -- and will be 25 making a recommendation that there needs to be</p>	<p style="text-align: right;">Page 4</p> <p>1 make this recommendation and then just kind of 2 based on the information that you shared and what 3 I was able to gather from my conversations with 4 him. I think it's best if I make the 5 recommendation that that conversation is sort of 6 level setting and expectation setting occur 7 between the three of you. That's going to be my 8 recommendation moving forward. 9 EMILY FORSYTHE: Yeah, I think I 10 appreciate that, the time it took for you to get 11 that information, Trevor, and I think where I'm 12 coming from and you know, I think there really is 13 only one way to interpret Cory saying, "I've 14 talked to Matt in HR and I want you off my team," 15 so I don't think -- I don't think I can 16 misinterpret that. He was very clear, and then, 17 you know, today, he came in. 18 He didn't even talk to me. He didn't 19 even look at me. He engaged with the other two 20 members on my team, and I really feel that he's 21 creating this hostile work environment and it's 22 really escalating and I think -- you had asked me 23 what would -- what I would think would be 24 appropriate next steps. I would be very 25 interesting in having you talk to Candice and</p>
<p style="text-align: right;">Page 3</p> <p>1 conversation so that we can clearly identify what 2 is it that Cory is trying to express to you and 3 what are you trying to express to Cory as far as 4 mutual expectation and some of the concerns about 5 communication. 6 So my recommendation is going to be 7 that Matt actually set up a meeting between the 8 three of you to have that conversation and 9 establish what that looks like moving forward. 10 EMILY FORSYTHE: Okay. 11 TREVOR SHAFFER-FIGUEROA: The -- and I 12 won't get into, like, the -- who said which part 13 of what and how it all came across. 14 What I was able to ascertain is that 15 Cory has shared that his intention was not to 16 convey to you that he doesn't want you on his 17 team; that he was trying to convey to you that 18 the way things are working between the two of 19 you, the way that you're communicating with him 20 and apparently him with you, that it's not 21 working; that something is fractured or broken; 22 and that that relationship needs to be pieced 23 back together so that you guys can communicate 24 effectively with each other. 25 And so that's part of what leads me to</p>	<p style="text-align: right;">Page 5</p> <p>1 your team and putting together a compelling 2 severance package. 3 I would really be interested in 4 pursuing that, because Cory wants me off his 5 team, for one reason or another. He's creating 6 this hostile, tense work environment and I know 7 he's already looking to fill other people. The 8 first day I met him, he said, "I'm going to bring 9 people on," and for whatever reason, whether he 10 didn't like me from day one, I have no idea. Or 11 my personal belief, it is retaliation from my 12 sexual harassment claim. But I think that would 13 be the best path forward for me. 14 TREVOR SHAFFER-FIGUEROA: And 15 obviously, I can't commit anything now or even 16 talk about whether that's even an option, but I 17 can certainly present your request. What does 18 "compelling" mean? 19 EMILY FORSYTHE: You guys start, and 20 then I'll have my lawyer work with you at that 21 point. 22 TREVOR SHAFFER-FIGUEROA: I can 23 certainly bring that request forward. Obviously, 24 I can't make any promises. That would just be 25 something that I could share that this is being</p>

<p style="text-align: right;">Page 6</p> <p>1 sought and requested and kind of see where things  2 go from there. The -- I will say that when it  3 comes to the comments about Cory saying that he  4 has already talked to Matt in HR, that's not what  5 was shared, that HR has already been included.  6 What was shared was that we wanted to  7 sit down with HR, and that was actually in your  8 recap to him, so the -- that we had already had  9 that conversation was not reflected either in  10 your account or his.  11 EMILY FORSYTHE: Right, and, you know,  12 either way, Trevor, he shouldn't be threatening  13 me with that. I don't appreciate that. It's  14 very hostile and uncomfortable.  15 TREVOR SHAFFER-FIGUEROA: So you  16 perceive a request to sit down with HR as  17 threatening?  18 EMILY FORSYTHE: That's not how he said  19 it.  20 TREVOR SHAFFER-FIGUEROA: Okay. Okay.  21 I didn't want to deliver that. I just wanted to  22 get an understanding --  23 EMILY FORSYTHE: Sure.  24 TREVOR SHAFFER-FIGUEROA: So I  25 understand.</p>	<p style="text-align: right;">Page 8</p> <p>1 CERTIFICATION  2  3 I, Sonya Ledanski Hyde, certify that the  4 foregoing transcript is a true and accurate  5 record of the proceedings.  6  7  8  9 _____  10  11 Veritext Legal Solutions  12 330 Old Country Road  13 Suite 300  14 Mineola, NY 11501  15  16 Date: September 16, 2020  17  18  19  20  21  22  23  24  25</p>
<p style="text-align: right;">Page 7</p> <p>1 EMILY FORSYTHE: Yep.  2 TREVOR SHAFFER-FIGUEROA: Okay. Well,  3 I will certainly present that and if I have  4 additional information or as soon as I have  5 additional information, I can provide it to you,  6 but as far as the -- you know, the investigation  7 piece, I've concluded that but I will certainly  8 bring this forward and provide information as  9 soon as I have it for you.  10 EMILY FORSYTHE: Sounds good. I  11 appreciate it.  12 TREVOR SHAFFER-FIGUEROA: Sure.  13 Thanks, Emily.  14 EMILY FORSYTHE: Bye.  15 TREVOR SHAFFER-FIGUEROA: Bye bye.  16  17  18  19  20  21  22  23  24  25</p>	

[000084 - ledanski]

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[legal - yep]

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